

Sep 27, 2018

SEAN F. MCVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES P.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:18-CV-3042-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 21. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Leisa A. Wolf represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 21**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the administrative law judge (ALJ) will hold a *de novo* hearing, update the medical records, and issue a new decision. The ALJ shall: (1) reconsider the opinion evidence of record, including opinions from state agency

medical reviewers and Dr. Herring, as well as the lay opinions; (2) evaluate Plaintiff's symptoms pursuant to Social Security Ruling (SSR) 16-3p; (3) reevaluate Plaintiff's residual functional capacity pursuant to SSR 96-8p; and (4) if warranted, obtain vocational expert evidence to reevaluate steps four and five of the sequential evaluation process and consider that evidence pursuant to SSR 00-4p. The ALJ may take any other actions necessary to develop the record, and Plaintiff may present additional testimony and submit additional evidence.

2. Judgment shall be entered for PLAINTIFF.

3. Plaintiff's Motion for Summary Judgment, **ECF No. 14**, is

STRICKEN AS MOOT.

4. An application for attorney fees may be filed by separate motion.

The District Court Executive is directed to enter this Order, forward copies to counsel, and **CLOSE THE FILE**.

DATED September 27, 2018.



7, 2018.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE